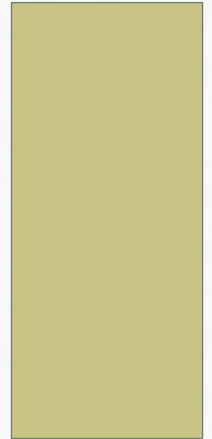


LOBBYING LAW BASICS: 2017-2018

WISCONSIN ETHICS COMMISSION



NEW NAME, NEW & OLD STAFF

Administrator Brian Bell

Staff Counsel

David Buerger

Office Manager

Julie Nischik

Program Staff

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David Divine

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- David Halbrooks, Milwaukee (D - Chair)
- Jeralyn Wendelberger, Milwaukee (D)
- Katie McCallum, Middleton (R - Vice Chair)
- Pat Strachota, West Bend (R)
- Timothy Van Akkeren (D)

OVERVIEW OF WISCONSIN LOBBYING LAWS

- What does Wisconsin's lobbying law cover?
- Lobbying by the numbers
- The three R's of lobbying
 - Registration
 - Reporting
 - Restrictions



POLITICAL MARKET

Conscientious Rail-road

President to Dealer: "Ah! Let me see. I think I'll take this bunch of Legislators at \$5000 a head. The Senators; at - what price did you say?"

Dealer: "Can't afford 'em less than \$10,000 each."

R.R.P.: "Well, hand them over. I suppose I'll have to take the lot."

Dealer: "Anything else today? I have a lot of Editors, at various prices, from a Thousand down to Fifty Cents."

R.R.P.: "No, nothing in that way, today. But I want a Governor very much indeed, and will stand \$50,000 for him. Get me a Wisconsin one, if possible!"

Cartoon published in *Harper's Weekly* of June 12, 1858, at the time of the Land Grant Investigation

THE LOBBYING LAW:

- Strengthens citizens' confidence in the integrity of governmental officials
- Helps preserve the integrity of the governmental decision-making process
- Promotes a full and fair opportunity for citizens to address governmental officials, either directly or through paid representatives, on the merits of issues

LOBBYING BY THE NUMBERS

In the 2015-16 legislative session:

- **743** organizations (“principals”) were registered to lobby
- **685** lobbyists were licensed
- Principals spent more than **\$67.7 million** on lobbying
- Principals reported spending **383,400** hours lobbying

Equivalent to the entire Ethics Commission Staff (9 people) working full time (40 hours a week) for just under 22 years

THE THREE R'S OF LOBBYING



Registration

Reporting

Restrictions

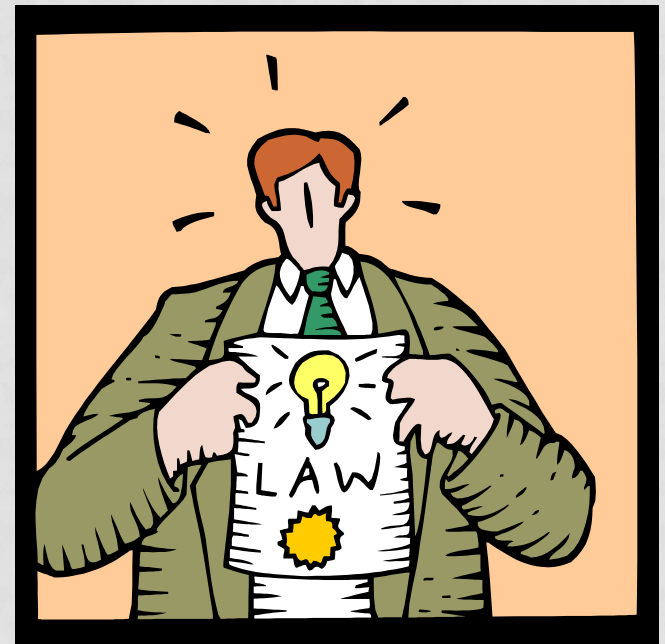
REGISTRATION AND LICENSING

- Every lobbyist must be licensed
- Every business or organization that employs a lobbyist (principal) must register, then authorize lobbyist(s)



LOBBYING IS...

- Attempting to influence legislation or administrative rulemaking
- Includes development of proposal before introduction or attempting to block introduction of a proposal
- Does not include seeking a contract or grant
- Does not include quasi-judicial decisions



--Wis. Stats. 13.62(10)

WHO IS A LOBBYIST?

- An individual who:
 - For compensation
 - Communicates with state officials
 - For the purpose of lobbying
 - On 5 or more days in a six-month reporting period
- Excludes communicating with own legislators
- Cannot be delinquent on taxes, child support, or unemployment insurance contributions

--Wis. Stats. 13.62(11)

WHO IS A LOBBYING PRINCIPAL?

- A business or organization that pays an individual
- to try to influence legislation or administrative rulemaking,
- and that individual communicates with state officials or legislative employees on five (5) or more days during a six-month reporting period

--Wis. Stats. 13.62(12)

FEES (PER LEGISLATIVE SESSION)

- Single Lobbyist License \$250
- Multiple Lobbyist License \$400
- Authorization to Lobby \$125
- Principal Registration \$375
- Limited Principal Registration \$20
- FOCUS Subscription \$100

REPORTING REQUIREMENTS



REPORTING REQUIREMENTS DURING THE REPORTING PERIOD

- **1. Submitting 15-day reports**
(responsibility of the principal)
- **2. Tracking lobbying time:**
communicating vs. other
(responsibility of the lobbyist)



LOBBYING TOPICS

Provide a **succinct written statement** sufficient to put the reader on notice of the communication's subject matter and whether the communication is an attempt to influence:

- legislative action
- an administrative rule
- or both

The statement should be equivalent to a bill or rule relating clause, but need not contain a statutory reference.

HOW TO REPORT

- Report using tools on the Eye on Lobbying website: <https://lobbying.wi.gov>
- Report a new lobbying interest or amend a previous position

15 Day Reporting

Report Interest In Legislative Proposals

Report Interest In Budget Bill Subjects

Report Interest In Proposed Rules

Report Interest In Topics

Amend Interest In Legislative Proposals

Amend Interest In Budget Bill Subjects

Amend Interest In Proposed Rules

Amend Interest In Topics

SAMPLE 15-DAY REPORT

2015-2016 Legislative Session

MOLLY

Assembly Bill 1

Relating to: a school review system, providing an exemption from emergency rule procedures, providing an exemption from rule-making procedures, granting rule-making authority, and making an appropriation. (FE)

Specify your Position and Comments

Interest Notification Date

12/2/2016 

Interest Reporting Period

- ☐ January 2015 to June 2015
- ☐ July 2015 to December 2015
- ☐ January 2016 to June 2016
- ☒ July 2016 to December 2016

Position

- ☒  For
- ☐  Against
- ☐  Other
- ☐  Undisclosed

Comments

You may enter a brief comment (up to 250 characters)

250 character(s) remaining

Supporting Document

You may attach a supporting document (.pdf, .doc, .txt, .rtf ONLY)

Web Site Uri

You may include a url (link) to a website

250 character(s) remaining

REPORTING REQUIREMENTS DURING THE REPORTING PERIOD

Daily itemization of time

Meeting and preparation time
including time spent developing a proposal for introduction

Who needs to track time?

Lobbyists and non-lobbyist employees

EXCEPT

- *Clerical employees*
- *Individuals devoting less than 10 hours in a six-month reporting period to lobbying*
- *Unpaid volunteers*

SAMPLE TIME SHEET

July 2016 Hours		
Date	Hours Communicating	Hours Other
1 - Friday	0	0
2 - Saturday	0	0
3 - Sunday	0	0
4 - Monday	0	0
5 - Tuesday	0	0
6 - Wednesday	0	0
7 - Thursday	0	0
8 - Friday	0	0
9 - Saturday	0	0
10 - Sunday	0	0
11 - Monday	0	0
12 - Tuesday	0	0
13 - Wednesday	0	0
14 - Thursday	0	0
15 - Friday	0	0
16 - Saturday	0	0
17 - Sunday	0	0
18 - Monday	0	0
19 - Tuesday	0	0
20 - Wednesday	0	0
21 - Thursday	0	0
22 - Friday	0	0
23 - Saturday	0	0
24 - Sunday	0	0
25 - Monday	0	0
26 - Tuesday	0	0

REPORTING TIME & MONEY

Statutes require you to make “reasonable estimates” acting in “good faith” with respect to timekeeping and expense tracking

- --Wis. Stats. 13.68(1)(3); 13.68(1)(bn); 13.68(2)(b) and (c)

Do not artificially inflate hours
by including grassroots lobbying time

REPORTING REQUIREMENTS AT THE END OF EACH REPORTING PERIOD

Statements of Lobbying Activities and Expenditures (SLAEs)

- Subjects of lobbying – come from 15-day reports
- Reasonable estimate of proportion of lobbying time for each bill, rule, topic, and budget bill subject reported
- Expenditures and time
- Identity of non-lobbyist employees making lobbying communications

RESTRICTIONS



WISCONSIN STATUTES, §13.625

No **lobbyist** and no **business or organization that employs a lobbyist (principal)** may give **anything** of pecuniary value to an elected state official, candidate for state elective office, legislative employee, or agency official

Except...



WISCONSIN STATUTES, §13.625

Except:

- Reimbursement for presenting a talk
- Items and services a lobbying principal makes available to the general public
- Campaign contributions, at certain times...



CAMPAIGN CONTRIBUTIONS

- Contributions to candidates for local and non-partisan office allowed
 - If not currently holding a partisan office
- A lobbyist may make a personal contribution to a partisan elected official or candidate for partisan state office:
From the first day to circulate nomination papers (April 15th) until general election day
AND the Legislature has concluded its final floor period
AND the Legislature is not in special or extraordinary session (check <https://legis.wi.gov>)
- A lobbyist may deliver a contribution on behalf of a committee (PAC, Conduit, etc.) at any time

NO PAY TO PLAY

FOCUS

- FOCUS is an email subscription service that brings customizable lobbying information directly to your inbox every day.
- Select criteria of interest – “insurance”, “Assembly Bill 1”,
The Ethics Commission will send you an email when any Eye On Lobbying activity takes place on that topic.

Neat!

- \$100 per session

SAMPLE FOCUS EMAIL

This email contains a report of activity in the Wisconsin Government Accountability Board's Eye on Lobbying website over the past 24 hours, based on your FOCUS subscription preferences.

Bills Affecting Wis. Stats. Chapter 1

Bill Number	Relating To	Reported Date
January 2014 Special Session Senate Bill 1	Relating to: reducing the lowest individual income tax rate; providing technical college property tax relief aid; establishing a technical college district revenue limit; the carry-back of net operating losses; the sales and use tax exemption for commercia...	10/14/2014
January 2014 Special Session Senate Bill 2	Relating to: workforce training grants to technical colleges, workforce training grants for collaborative projects among school districts, technical colleges, and businesses, workforce training grants and services to enhance employment opportunities for pe...	10/14/2014

Keyword : "job"

Legislative bills/resolutions

Bill Number	Relating To	Reported Date
January 2014 Special Session Senate Bill 1	Relating to: reducing the lowest individual income tax rate; providing technical college property tax relief aid; establishing a technical college district revenue limit; the carry-back of net operating losses; the sales and use tax exemption for commercia...	10/14/2014

Principal Activities: 1000 Friends of Wisconsin

Legislative Bills/Resolution

Bill Number	Position	Reported Date
Assembly Bill 5	Other	10/14/2014

Budget Bill Subjects

Subject	Reported Date
Administration: Facilities Management and Facilities Development	10/14/2014

WHERE TO GET MORE INFORMATION

- Eye On Lobbying FAQs
- Advisory opinions
[Prompt, confidential, authoritative]
- Guidelines (located at <https://ethics.wi.gov>)
- Wisconsin Ethics Commission staff
We would love to help you remain *ethical*.



CONTACT THE ETHICS COMMISSION

Ethics.wi.gov

Lobbying.wi.gov

(608)266-8123

lobbying@wi.gov

*Asking for permission is always better
than asking for forgiveness!*